

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-1248-AIR-E **TCEQ ID:** RN100219351 **CASE NO.:** 36299
RESPONDENT NAME: The Dow Chemical Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Union Carbide Texas City, 3301 5th Avenue South, Texas City, Galveston County</p> <p>TYPE OF OPERATION: Gas plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 15, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6162; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Yvonne Samson, EH&S Delivery Leader, The Dow Chemical Company, 3301 5th Avenue South, Texas City, Texas 77590 Ms. Julie Woodard, Regulatory Affairs Leader, The Dow Chemical Company, 3301 5th Avenue South, Texas City, Texas 77590 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 10, 2008</p> <p>Date of NOE Relating to this Case: July 17, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to keep the flare pilot flame lit at all times which resulted in unauthorized emissions. Specifically, the Respondent did not keep the No. 3 Olefins Flare pilot flame lit which allowed unauthorized emissions during an emissions event on March 18, 2008. The event lasted one hour and 23 minutes and resulted in the release of 1,216.51 pounds ("lbs") of volatile organic compounds and 218.01 lbs of carbon monoxide. Since this emissions event could have been avoided by good operation practices, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(1) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), and New Source Review Permit No. 436, Special Conditions Nos. 1 and 3].</p>	<p>Total Assessed: \$6,725</p> <p>Total Deferred: \$1,345 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$5,380</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, implement improvements to training, design, operation, or maintenance procedures, in order to address the emissions event that occurred on March 18, 2008, and to prevent the reoccurrence of same or similar incidents; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. a.</p>

Additional ID No(s): GB0076J



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	21-Jul-2008	Screening	30-Jul-2008	EPA Due	13-Apr-2009
	PCW	30-Jul-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Dow Chemical Company
Reg. Ent. Ref. No.	RN100219351
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36299	No. of Violations	1
Docket No.	2008-1248-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Bryan Elliott
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	169.0% Enhancement	Subtotals 2, 3, & 7	\$4,225
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Notes The penalty was enhanced due to 11 NOVs for similar violations, 17 NOVs for dissimilar violations, and four 1660 style orders.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$72
 Approx. Cost of Compliance \$1,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,725
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$6,725
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,725
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,345
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,380
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Screening Date 30-Jul-2008	Docket No. 2008-1248-AIR-E	PCW
Respondent The Dow Chemical Company		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 36299		<i>PCW Revision June 12, 2008</i>
Reg. Ent. Reference No. RN100219351		
Media [Statute] Air		
Enf. Coordinator Bryan Elliott		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	11	55%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 169%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	The penalty was enhanced due to 11 NOVs for similar violations, 17 NOVs for dissimilar violations, and four 1660 style orders.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 169%

Screening Date	30-Jul-2008	Docket No.	2008-1248-AIR-E	PCW
Respondent	The Dow Chemical Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36299			<i>PCW Revision June 12, 2008</i>
Reg. Ent. Reference No.	RN100219351			
Media [Statute]	Air			
Enf. Coordinator	Bryan Elliott			

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1) and 116.115(c), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 60.18(c)(2), and New Source Review Permit No. 436, Special Conditions Nos. 1 and 3
Violation Description	Failed to keep the flare pilot flame lit at all times which resulted in unauthorized emissions, as documented during an investigation conducted on April 10, 2008. Specifically, the Respondent did not keep the No. 3 Olefins Flare pilot flame lit which allowed unauthorized emissions during an emissions event on March 18, 2008. The event lasted one hour and 23 minutes and resulted in the release of 1,216.51 pounds ("lbs") of volatile organic compounds and 218.01 lbs of carbon monoxide. Since this emissions event could have been avoided by good operation practices, it failed to meet the demonstrations for affirmative defense as found in 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="25%"/>	
	Release	Major	Moderate		Minor
	Actual				X
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>

Matrix Notes Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Dow Chemical Company
Case ID No. 36299
Reg. Ent. Reference No. RN100219351
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	18-Mar-2008	1-Mar-2009	0.95	\$72	n/a	\$72

Notes for DELAYED costs
 Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the date of the emissions event and Final Date is the prospective date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$72

Compliance History

Customer/Respondent/Owner-Operator:	CN600356976 The Dow Chemical Company	Classification: AVERAGE	Rating: 2.60
Regulated Entity:	RN100219351 UNION CARBIDE TEXAS CITY	Classification: AVERAGE	Site Rating: 7.87

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0076J
	AIR OPERATING PERMITS	PERMIT	1433
	AIR OPERATING PERMITS	PERMIT	1913
	AIR OPERATING PERMITS	PERMIT	1914
	AIR OPERATING PERMITS	PERMIT	1915
	AIR OPERATING PERMITS	PERMIT	1916
	AIR OPERATING PERMITS	PERMIT	1917
	AIR OPERATING PERMITS	PERMIT	1919
	AIR OPERATING PERMITS	PERMIT	1920
	AIR OPERATING PERMITS	PERMIT	1921
	AIR OPERATING PERMITS	PERMIT	1923
	AIR OPERATING PERMITS	PERMIT	1924
	AIR OPERATING PERMITS	PERMIT	2864
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30689
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000461533
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30689
	WASTEWATER	PERMIT	WQ0000448000
	WASTEWATER	PERMIT	TPDES0002852
	WASTEWATER	PERMIT	TX0002852
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	27508
	AIR NEW SOURCE PERMITS	AFS NUM	4816700009
	AIR NEW SOURCE PERMITS	REGISTRATION	76430
	AIR NEW SOURCE PERMITS	REGISTRATION	72004
	AIR NEW SOURCE PERMITS	PERMIT	33835
	AIR NEW SOURCE PERMITS	PERMIT	33379
	AIR NEW SOURCE PERMITS	PERMIT	33535
	AIR NEW SOURCE PERMITS	PERMIT	33607
	AIR NEW SOURCE PERMITS	PERMIT	36007
	AIR NEW SOURCE PERMITS	PERMIT	36467
	AIR NEW SOURCE PERMITS	PERMIT	32449
	AIR NEW SOURCE PERMITS	PERMIT	37219
	AIR NEW SOURCE PERMITS	PERMIT	38561
	AIR NEW SOURCE PERMITS	PERMIT	39384
	AIR NEW SOURCE PERMITS	PERMIT	39714
	AIR NEW SOURCE PERMITS	PERMIT	41241
	AIR NEW SOURCE PERMITS	PERMIT	42121
	AIR NEW SOURCE PERMITS	PERMIT	42409
	AIR NEW SOURCE PERMITS	PERMIT	42949
	AIR NEW SOURCE PERMITS	PERMIT	41876
	AIR NEW SOURCE PERMITS	PERMIT	44130
	AIR NEW SOURCE PERMITS	PERMIT	45029
	AIR NEW SOURCE PERMITS	PERMIT	45525
	AIR NEW SOURCE PERMITS	PERMIT	45814
	AIR NEW SOURCE PERMITS	PERMIT	45847
	AIR NEW SOURCE PERMITS	PERMIT	46260
	AIR NEW SOURCE PERMITS	PERMIT	47572
	AIR NEW SOURCE PERMITS	PERMIT	47646
	AIR NEW SOURCE PERMITS	PERMIT	47732
	AIR NEW SOURCE PERMITS	PERMIT	49451
	AIR NEW SOURCE PERMITS	PERMIT	9995
	AIR NEW SOURCE PERMITS	PERMIT	436
	AIR NEW SOURCE PERMITS	PERMIT	1961
	AIR NEW SOURCE PERMITS	PERMIT	2466
	AIR NEW SOURCE PERMITS	PERMIT	2467
	AIR NEW SOURCE PERMITS	PERMIT	2574
	AIR NEW SOURCE PERMITS	PERMIT	2958A
	AIR NEW SOURCE PERMITS	PERMIT	3778
	AIR NEW SOURCE PERMITS	PERMIT	3791
	AIR NEW SOURCE PERMITS	PERMIT	4838
	AIR NEW SOURCE PERMITS	PERMIT	4884
	AIR NEW SOURCE PERMITS	PERMIT	6355
	AIR NEW SOURCE PERMITS	PERMIT	6355A
	AIR NEW SOURCE PERMITS	PERMIT	6709

AIR NEW SOURCE PERMITS	PERMIT	6715
AIR NEW SOURCE PERMITS	PERMIT	6732
AIR NEW SOURCE PERMITS	PERMIT	6854
AIR NEW SOURCE PERMITS	PERMIT	7011
AIR NEW SOURCE PERMITS	PERMIT	7414
AIR NEW SOURCE PERMITS	PERMIT	9085
AIR NEW SOURCE PERMITS	PERMIT	10605
AIR NEW SOURCE PERMITS	PERMIT	13141
AIR NEW SOURCE PERMITS	PERMIT	14321
AIR NEW SOURCE PERMITS	PERMIT	14899
AIR NEW SOURCE PERMITS	PERMIT	15693
AIR NEW SOURCE PERMITS	PERMIT	18148
AIR NEW SOURCE PERMITS	PERMIT	18369
AIR NEW SOURCE PERMITS	PERMIT	19028
AIR NEW SOURCE PERMITS	PERMIT	19209
AIR NEW SOURCE PERMITS	PERMIT	19335
AIR NEW SOURCE PERMITS	PERMIT	20135
AIR NEW SOURCE PERMITS	PERMIT	21401
AIR NEW SOURCE PERMITS	PERMIT	22067
AIR NEW SOURCE PERMITS	PERMIT	22705
AIR NEW SOURCE PERMITS	PERMIT	23571
AIR NEW SOURCE PERMITS	PERMIT	24349
AIR NEW SOURCE PERMITS	PERMIT	24530
AIR NEW SOURCE PERMITS	PERMIT	24292
AIR NEW SOURCE PERMITS	PERMIT	25034
AIR NEW SOURCE PERMITS	PERMIT	26125
AIR NEW SOURCE PERMITS	PERMIT	27045
AIR NEW SOURCE PERMITS	PERMIT	26133
AIR NEW SOURCE PERMITS	PERMIT	26856
AIR NEW SOURCE PERMITS	PERMIT	27796
AIR NEW SOURCE PERMITS	PERMIT	24982
AIR NEW SOURCE PERMITS	PERMIT	28686
AIR NEW SOURCE PERMITS	PERMIT	28882
AIR NEW SOURCE PERMITS	PERMIT	29204
AIR NEW SOURCE PERMITS	PERMIT	29271
AIR NEW SOURCE PERMITS	PERMIT	30037
AIR NEW SOURCE PERMITS	PERMIT	28885
AIR NEW SOURCE PERMITS	PERMIT	29747
AIR NEW SOURCE PERMITS	PERMIT	29354
AIR NEW SOURCE PERMITS	PERMIT	30531
AIR NEW SOURCE PERMITS	PERMIT	31076
AIR NEW SOURCE PERMITS	PERMIT	31104
AIR NEW SOURCE PERMITS	PERMIT	30981
AIR NEW SOURCE PERMITS	PERMIT	31810
AIR NEW SOURCE PERMITS	PERMIT	32496
AIR NEW SOURCE PERMITS	PERMIT	33356
AIR NEW SOURCE PERMITS	REGISTRATION	72098
AIR NEW SOURCE PERMITS	REGISTRATION	72164
AIR NEW SOURCE PERMITS	PERMIT	52921
AIR NEW SOURCE PERMITS	PERMIT	52922
AIR NEW SOURCE PERMITS	REGISTRATION	84727
AIR NEW SOURCE PERMITS	PERMIT	55052
AIR NEW SOURCE PERMITS	REGISTRATION	54759
AIR NEW SOURCE PERMITS	PERMIT	71961
AIR NEW SOURCE PERMITS	REGISTRATION	75804
AIR NEW SOURCE PERMITS	REGISTRATION	75940
AIR NEW SOURCE PERMITS	REGISTRATION	75636
AIR NEW SOURCE PERMITS	PERMIT	2468
AIR NEW SOURCE PERMITS	REGISTRATION	75722
AIR NEW SOURCE PERMITS	REGISTRATION	75558
AIR NEW SOURCE PERMITS	REGISTRATION	70606

AIR NEW SOURCE PERMITS	REGISTRATION	70450
AIR NEW SOURCE PERMITS	REGISTRATION	70460
AIR NEW SOURCE PERMITS	REGISTRATION	70463
AIR NEW SOURCE PERMITS	PERMIT	48988
AIR NEW SOURCE PERMITS	REGISTRATION	56355
AIR NEW SOURCE PERMITS	REGISTRATION	70859
AIR NEW SOURCE PERMITS	REGISTRATION	71043
AIR NEW SOURCE PERMITS	REGISTRATION	71511
AIR NEW SOURCE PERMITS	REGISTRATION	71723
AIR NEW SOURCE PERMITS	REGISTRATION	71163
AIR NEW SOURCE PERMITS	REGISTRATION	71183
AIR NEW SOURCE PERMITS	PERMIT	48975

AIR NEW SOURCE PERMITS	PERMIT	49004
AIR NEW SOURCE PERMITS	REGISTRATION	71148
AIR NEW SOURCE PERMITS	REGISTRATION	71158
AIR NEW SOURCE PERMITS	PERMIT	49023
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0076J
AIR NEW SOURCE PERMITS	PERMIT	53413
AIR NEW SOURCE PERMITS	PERMIT	53558
AIR NEW SOURCE PERMITS	PERMIT	52292
AIR NEW SOURCE PERMITS	PERMIT	53034
AIR NEW SOURCE PERMITS	PERMIT	56359
AIR NEW SOURCE PERMITS	PERMIT	56358
AIR NEW SOURCE PERMITS	PERMIT	56357
AIR NEW SOURCE PERMITS	PERMIT	56356
AIR NEW SOURCE PERMITS	PERMIT	56353
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AIR NEW SOURCE PERMITS	PERMIT	56349
AIR NEW SOURCE PERMITS	PERMIT	55260
AIR NEW SOURCE PERMITS	PERMIT	52245
AIR NEW SOURCE PERMITS	PERMIT	54113
AIR NEW SOURCE PERMITS	PERMIT	52869
AIR NEW SOURCE PERMITS	PERMIT	52920
AIR NEW SOURCE PERMITS	PERMIT	53414
AIR NEW SOURCE PERMITS	REGISTRATION	72836
AIR NEW SOURCE PERMITS	PERMIT	53559
AIR NEW SOURCE PERMITS	PERMIT	56460
AIR NEW SOURCE PERMITS	REGISTRATION	72691
AIR NEW SOURCE PERMITS	REGISTRATION	74151
AIR NEW SOURCE PERMITS	REGISTRATION	73963
AIR NEW SOURCE PERMITS	PERMIT	73962
AIR NEW SOURCE PERMITS	REGISTRATION	74235
AIR NEW SOURCE PERMITS	REGISTRATION	74732
AIR NEW SOURCE PERMITS	REGISTRATION	74347
AIR NEW SOURCE PERMITS	REGISTRATION	74472
AIR NEW SOURCE PERMITS	REGISTRATION	74471
AIR NEW SOURCE PERMITS	REGISTRATION	74608
AIR NEW SOURCE PERMITS	REGISTRATION	74996
AIR NEW SOURCE PERMITS	REGISTRATION	75184
AIR NEW SOURCE PERMITS	REGISTRATION	76637
AIR NEW SOURCE PERMITS	REGISTRATION	76966
AIR NEW SOURCE PERMITS	REGISTRATION	76553
AIR NEW SOURCE PERMITS	REGISTRATION	77690
AIR NEW SOURCE PERMITS	REGISTRATION	77313
AIR NEW SOURCE PERMITS	REGISTRATION	77503
AIR NEW SOURCE PERMITS	REGISTRATION	77858
AIR NEW SOURCE PERMITS	REGISTRATION	78093
AIR NEW SOURCE PERMITS	REGISTRATION	78808
AIR NEW SOURCE PERMITS	REGISTRATION	78804
AIR NEW SOURCE PERMITS	REGISTRATION	78806
AIR NEW SOURCE PERMITS	REGISTRATION	78807
AIR NEW SOURCE PERMITS	REGISTRATION	78996
AIR NEW SOURCE PERMITS	REGISTRATION	79099
AIR NEW SOURCE PERMITS	REGISTRATION	79615
AIR NEW SOURCE PERMITS	REGISTRATION	80167

AIR NEW SOURCE PERMITS	REGISTRATION	80007
AIR NEW SOURCE PERMITS	REGISTRATION	80073
AIR NEW SOURCE PERMITS	REGISTRATION	80068
AIR NEW SOURCE PERMITS	REGISTRATION	80075
AIR NEW SOURCE PERMITS	REGISTRATION	80071
AIR NEW SOURCE PERMITS	REGISTRATION	80554
AIR NEW SOURCE PERMITS	REGISTRATION	80855
AIR NEW SOURCE PERMITS	REGISTRATION	80785
AIR NEW SOURCE PERMITS	REGISTRATION	80786
AIR NEW SOURCE PERMITS	REGISTRATION	80787
AIR NEW SOURCE PERMITS	REGISTRATION	80788
AIR NEW SOURCE PERMITS	REGISTRATION	80545
AIR NEW SOURCE PERMITS	REGISTRATION	81268
AIR NEW SOURCE PERMITS	REGISTRATION	81364
AIR NEW SOURCE PERMITS	REGISTRATION	81703
AIR NEW SOURCE PERMITS	REGISTRATION	83156
AIR NEW SOURCE PERMITS	REGISTRATION	82382
AIR NEW SOURCE PERMITS	REGISTRATION	84822

AIR NEW SOURCE PERMITS	REGISTRATION	84041
AIR NEW SOURCE PERMITS	REGISTRATION	83455
AIR NEW SOURCE PERMITS	REGISTRATION	83677
AIR NEW SOURCE PERMITS	REGISTRATION	83553
AIR NEW SOURCE PERMITS	PERMIT	84235
AIR NEW SOURCE PERMITS	REGISTRATION	83243
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0840043
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30689
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50242
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50127
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50127
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50242
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50242

Location: 3301 5TH AVE S, TEXAS CITY, TX, 77590 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 30, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 30, 2003 to July 30, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Bryan Elliott Phone: 239-6162

Site Compliance History Components

- 1. Has the site been in existence and/or operation for the full five year compliance period? Yes
- 2. Has there been a (known) change in ownership of the site during the compliance period? No
- 3. If Yes, who is the current owner? N/A
- 4. If Yes, who was/were the prior owner(s)? N/A
- 5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/11/2004 ADMINORDER 2001-1103-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT
 Description: Failed to meet VOC limits of 0.30 pound per hour (lbs/hr.) from Tank 9518 in the Distribution Area via emission point number (EPN) E01A010 on August 16, 2000 for approximately 40 hours, during which the tank overflowed, and again on August 18, 2000 for approximately 40 hours, during which the tank was emptied due to ne

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Allowed unauthorized emissions on June 16, 2000 from the hardening tank of the Solutions Vinyl Resins (SVR) Unit when operator error and poor maintenance caused a spill that resulted in emissions of 11.6 pounds of acetone.

Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)
 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 1 PERMIT

Description: Failed to include end time or expected duration and corrective action in the initial notification report for an upset that occurred on November 7, 2000 at the #4 K-Gas Compressor in the Oxo Unit.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to install a second valve, blind flange, plug or cap at the end of VOC line in the SVR Unit which caused an emissions event (emissions were 6 pounds of acetone on June 22, 2000).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(C)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)

30 TAC Chapter 101, SubChapter A 101.6(a)(3)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT
12 PERMIT

Description: Failed to include start time, end time or expected duration, and amount of contaminants in the initial notification report for an upset that occurred at the #501 Compressor in the #3 Olefins Unit via EPN E09A023 on September 4, 2000.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Allowed unauthorized emissions on April 6, 2000 from the vent blower and safety relief valves in the #3 Olefins Unit when improper operating procedures caused a release.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include corrective action in the initial notification report for an upset that occurred at the #601 Turbine in the #3 Olefins Unit on June 22, 2000 (Upset #5224).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include end time or expected duration and corrective action in the initial notification report for a subsequent upset that occurred at the #601 Turbine in the #3 Olefins Unit on June 22, 2000 (Upset #5223)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include opacity estimate in the initial notification and final reports for an upset that occurred on August 1, 2000 EPN E09A032 in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include end time or expected duration in the initial notification report for an upset that occurred on August 3, 2000 at the Lo NOx Injector of the #602 Turbine in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include end time or expected duration and opacity estimate in the initial notification report and opacity estimate in the final report for an upset that occurred on January 2, 2001 at EPN E09A032 in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(E)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include identification and amount of contaminants emitted in the initial notification report for an upset that occurred on January 4, 2001 at EPN E09A032 in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include end time or expected duration and opacity estimate in the initial report and opacity estimate in the final report for an upset that occurred on February 25, 2001 at the No. 17 Furnace EPN E09A018, in the #3 Olefins Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to meet emission limits of 4.85 lbs./hr. of Nitrogen Oxides (NOx) and 7.28 lbs.hr. of CO at the #4 K-Gas Compressor in the Oxo Unit via EPN E10C061 on November 7, 2000, resulting in emissions of 513 pounds of NOx and 3,365 pounds of CO.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to meet emission limits of 24.5 lbs./hr. of NOx at the #601 Turbine in the #3 Olefins Unit via EPN E09A025 on June 22, 2000 at 9:20 a.m. (Upset #5224) and 2:22 p.m. (Upset #5223), resulting in emissions of 262.7 pounds of NOx.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 12 PERMIT

Description: Failed to meet opacity limits of 5% percent per any six-minute period at EPN E09A032 in the #3 Olefins Unit on August 1, 2000, resulting in emissions of 36 hours of 100% opacity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to meet emissions limits of 24.5 lbs./hr. of NOx on August 3, 2000 at the Lo NOx Injector of the #602 Turbine in the #3 Olefins Unit, resulting in emissions of 1,152 pounds of NOx

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to meet emission limits of 24.5 lbs./hr. of NOx on September 4, 2000 at the #501 Compressor in the #3 Olefins Unit via EPN E09A023, resulting in emissions of 81 pounds of NOx

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 12 PERMIT

Description: Failed to meet opacity limits of 5% per any six-minute period on January 2, 2001 at EPN E09A032 in the #3 Olefins Unit, resulting in emissions of 2 hours of 100% opacity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 12 PERMIT

Description: Failed to meet opacity limits of 5% per any six-minute period on January 4, 2001 at EPN E09A032 in the #3 Olefins Unit, resulting in emissions of 8 hours and 20 minutes of 100% opacity

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 12 PERMIT

Description: Failed to meet opacity limits of 5% per any six-minute period on February 25, 2001 at the Furnace No. 17, EPN E09A018, in the #3 Olefins Unit.

Effective Date: 02/05/2007

ADMINORDER 2005-0233-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter H 116.814(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 49023 PERMIT

Description: Failure to operate within MAERT limits for tanks and distillation column.

Effective Date: 04/26/2007

ADMINORDER 2006-1080-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 48988, GC 8 PERMIT

Description: Dow-Union Carbide (Dow) failed to prevent unauthorized emissions during an avoidable emissions event (Incident No. 66240) that occurred on 11 October 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Union Carbide a subsidiary of Dow (DUC) failed to report accurately during during the avoidable emissions event (Incident No. 66240).

Effective Date: 03/08/2008

ADMINORDER 2007-0209-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9085, Special Condition 1 PERMIT

O-01919, Special Condition 6 OP

Description: Failed to represent vent streams and amend NSR Permit No. 9085, in violation of 30 TEX. ADMIN. CODE § 116.116(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 24, 2006. Specifically, four high and low pressure streams were vented to the Syn Gas Flare, EPN E10C060, during the period of April 14, 2004 through April 14, 2005. EPN E10C060 was permitted as a backup flare and was not authorized to receive the vent streams.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 49023, Special Condition 1 PERMIT

O-01914, Special Condition 5 OP

Description: Failed to comply with permitted emissions and throughput limits for seven tanks as documented during an investigation conducted on August 25, 2006. Specifically, total emissions and throughput limits for the period December 6, 2004 through November 30, 2005 at the Refining and Hydrogenation Unit were recorded as 1.09 tons of volatile organic compounds ("VOC") and 1,026,519 gallons of throughput. The authorized limits are 0.22 tons per year VOC emissions and 434,068 gallons of throughput.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 08/19/2003 (294439)

2 09/19/2003 (294440)
3 10/20/2003 (294442)
4 10/21/2003 (432706)
5 10/22/2003 (248492)
6 11/05/2003 (249689)
7 11/07/2003 (250604)
8 11/10/2003 (249006)

9 11/19/2003 (294443)
10 11/25/2003 (255877)
11 12/18/2003 (294444)
12 01/06/2004 (259011)
13 01/13/2004 (259830)
14 01/14/2004 (250226)
15 01/16/2004 (294445)
16 02/13/2004 (250227)
17 02/23/2004 (294435)
18 02/26/2004 (22192)
19 03/08/2004 (250251)
20 03/16/2004 (294436)
21 04/16/2004 (264495)
22 04/21/2004 (294437)
23 05/19/2004 (351704)
24 06/21/2004 (294438)
25 07/28/2004 (351705)
26 08/03/2004 (286850)
27 08/04/2004 (273925)
28 08/23/2004 (290587)
29 08/25/2004 (288496)
30 08/26/2004 (351706)
31 08/31/2004 (250228)
32 09/15/2004 (351707)
33 10/22/2004 (351708)
34 11/15/2004 (351709)
35 12/13/2004 (381666)
36 12/16/2004 (333291)
37 01/10/2005 (345335)
38 01/12/2005 (381667)
39 01/20/2005 (333885)
40 01/31/2005 (347324)
41 01/31/2005 (347510)
42 01/31/2005 (346725)
43 02/11/2005 (340597)
44 02/11/2005 (350203)
45 02/22/2005 (419457)
46 03/14/2005 (419458)
47 04/07/2005 (348396)
48 04/18/2005 (419459)
49 05/23/2005 (419460)
50 06/17/2005 (419461)
51 06/17/2005 (419462)
52 07/28/2005 (402135)
53 07/28/2005 (402011)
54 07/29/2005 (401956)
55 08/02/2005 (402285)
56 08/04/2005 (402618)
57 08/05/2005 (402973)
58 08/05/2005 (403754)
59 08/05/2005 (403243)
60 08/08/2005 (403392)
61 08/08/2005 (404026)
62 08/11/2005 (404855)
63 08/16/2005 (440615)
64 08/17/2005 (405498)
65 08/18/2005 (405320)
66 08/18/2005 (405659)
67 08/19/2005 (404795)
68 08/22/2005 (400594)
69 08/29/2005 (406918)
70 10/18/2005 (468080)
71 11/17/2005 (468081)
72 12/19/2005 (468082)
73 01/18/2006 (468083)
74 02/13/2006 (468078)

145 03/11/2008 (636701)
144 02/11/2008 (671870)
143 01/17/2008 (595704)
142 01/11/2008 (671872)
141 01/11/2008 (671871)
140 01/10/2008 (595731)
139 12/14/2007 (619376)
138 12/12/2007 (573158)
137 10/17/2007 (619375)
136 10/04/2007 (565911)
135 09/28/2007 (564310)
134 09/17/2007 (601458)
133 08/31/2007 (568662)
132 08/24/2007 (543167)
131 08/20/2007 (572795)
130 08/13/2007 (601459)
129 08/13/2007 (601457)
128 08/07/2007 (566978)
127 07/06/2007 (559973)
126 06/26/2007 (558702)
125 06/15/2007 (574847)
124 05/23/2007 (560356)
123 05/21/2007 (574846)
122 05/10/2007 (543373)
121 04/30/2007 (554361)
120 04/19/2007 (574848)
119 04/19/2007 (574845)
118 04/09/2007 (556176)
117 03/16/2007 (543515)
116 03/13/2007 (542783)
115 03/13/2007 (542302)
114 03/12/2007 (574844)
113 03/08/2007 (541701)
112 03/02/2007 (519596)
111 02/14/2007 (574843)
110 01/30/2007 (480149)
109 01/29/2007 (457410)
108 01/22/2007 (480153)
107 01/12/2007 (519603)
106 01/03/2007 (532211)
105 12/19/2006 (544227)
104 12/12/2006 (532247)
103 12/12/2006 (532261)
102 12/04/2006 (518733)
101 11/16/2006 (544226)
100 11/16/2006 (480154)
99 11/15/2006 (514043)
98 11/02/2006 (517169)
97 10/31/2006 (517316)
96 10/30/2006 (480150)
95 10/30/2006 (480148)
94 10/30/2006 (457425)
93 10/16/2006 (544228)
92 10/16/2006 (544225)
91 10/10/2006 (480147)
90 10/10/2006 (457463)
89 08/31/2006 (497500)
88 08/23/2006 (465702)
87 08/15/2006 (519982)
86 08/08/2006 (461303)
85 07/18/2006 (519983)
84 07/18/2006 (519981)
83 07/14/2006 (457406)
82 06/19/2006 (497968)
81 06/15/2006 (482439)
80 06/13/2006 (454316)
79 05/15/2006 (497967)
78 05/11/2006 (460639)
77 05/09/2006 (464404)
76 04/21/2006 (497966)
75 03/20/2006 (468079)

146 03/13/2008 (614911)
 147 03/20/2008 (614749)
 148 04/04/2008 (636703)
 149 04/11/2008 (646265)
 150 07/14/2008 (682399)
 151 07/17/2008 (682196)
 152 07/22/2008 (543585)
 153 07/23/2008 (682396)
 154 07/25/2008 (686730)

E. Written notices of violations (NOV). (CEEDS Inv. Track. No.)

Date 08/31/2003 (294440)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date 10/22/2003 (248492)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT No. 4884, S.C. No. 1, dated 12/21/1998
 Description: Failure to demonstrate that the incident could not have been avoided by good operation practices as set forth in 30 Tex. Admin Code 101.222(b)(3).

Date 10/31/2003 (294443)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date 11/07/2003 (249006)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT No. 436, S.C. #12, dated Sept. 22, 2000
 Description: Failure to perform routine preventive maintenance on air dampener/ actuator resulting to an excess opacity event.

Date 11/07/2003 (250604)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 Description: Failure to consistently record the time and date of pH sample collection and analysis.

Date 08/03/2004 (286850)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA 1961, Special Condition No. 9D
 Description: Failure to conduct the annual tank inspections within 12 months.

Self Report? NO Classification Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(vii)
 Description: Failure to record the flare pilot flame.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA 1961, Special Condition No. 9D
 Description: Failure to submit the report within 30 days of a tank failure.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
 Rqmt Prov: OP O-01924, General Terms and Conditions
 Description: Failure to obtain the authorization for the installation of two tanks.

Date 08/16/2004 (290587)
 Self Report? NO Classification Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(vii)
 Description: Failure to record the presence of a pilot flame.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)
 Rqmt Prov: PERMIT 2466, Special Condition No. 16
 OP O-01916, Special Terms and Conditions 1D
 Description: Failure to conduct quarterly test.

Date 08/24/2004 (288496)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
 Rqmt Prov: PA 9085, General Condition No. 1
 Description: Failure to represent emissions to the Syn Gas Flare.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA 2467, Special Condition No. 1
 Description: Failure to operate within permit allowables.
 Date 08/31/2004 (250228)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 Rqmt Prov: OP O-01923, General Terms and Conditions
 Description: Failure to include a deviation in the semi-annual report.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 113, SubChapter C 113.100
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
 Rqmt Prov: OP O-01923, Special Condition No. 1.G.
 Description: Failure to operate the refrigeration unit in accordance with SSMP.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 Rqmt Prov: OP O-01923, Special Condition No. 1.A.
 Description: Failure to record the daily flare observations.
 Date 01/20/2005 (333885)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4).
 Rqmt Prov: PERMIT 20135, Special Condition 19
 PERMIT 22067, Special Condition 10
 OP O-01920, Special Term and Condition 12
 Description: Failure to maintain records for the Fume Incinerator EPN E01A048.
 Date 08/04/2005 (402618)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)
 Rqmt Prov: PERMIT 1961, SC 7D
 OP O-01924, ST&C 1A
 Description: Failure to submit a report within 30 days.
 Date 08/05/2005 (402973)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT 25034, SC No. 24
 OP O-01921, ST&C 14
 Description: Failure to submit the quarterly report within 30 days.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT 2598A, SC No. 1
 OP O-01921, ST&C 14
 Description: Failure to operate within limits of Boiler 53 for CO.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT 2598A, SC 8B
 OP O-01921, ST&C 14
 Description: Failure to operate within allowables for Boiler 53 for NOX.
 Date 08/19/2005 (404795)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP O-01916, ST&C 7
 PERMIT TCEQ Air Permit No. 2466, SC 1
 Description: Failure to operate within permit allowables by 824 pounds on E10C009
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP O-01916, ST&C No. 7
 PERMIT TCEQ Air Permit No. 2466, SC No. 5
 Description: Failure to record the temperature on the incinerator E10N002.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP O-01916, ST&C No. 7

PERMIT TCEQ Air Permit No. 2466, SC No. 7C
 Description: Failure to record the carbon monoxide concentration on E10N002.
 Date 06/14/2006 (454316)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT TCEQ Air Permit No. 48975, GC 8
 Description: Dow-Union Carbide Incident 68708 was an avoidable emissions event. Incident was not excessive.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: Dow-UC Incident No. 69708 was not reported in a timely manner.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 Description: Dow Union Carbide failed to identify the permit number in Incident No. 68708 notification.
 Date 08/23/2006 (465702)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: Union Carbide, subs of Dow Chemical, did not comply with the reporting requirements during Incident No. 71749.
 Date 08/30/2006 (457425)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to report a deviation for the period of July 28, 2004 through January 28, 2005.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to report all citations for deviations reported during the period of January 28, 2005 through July 27, 2005.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP O-01920, Special Condition #1A
 Description: Failure to have Tank #9701 to float on the liquid surface.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(E)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(3)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP O-01920, Special Condition #1A
 Description: Failure to keep liquid off the roof of Tank #9213.
 Date 08/30/2006 (480148)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 3791, Special Condition 2
 OP O-01917, Special Condition 8
 Description: Failure to control unauthorized emissions (Category B13).
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 3791, Special Condition 1
 OP O-01917, Special Condition 8
 Description: Failure to control unauthorized emissions (Category B13).
 Date 08/30/2006 (480150)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01433, SC#3(B)(vi)
 Description: Failure to maintain records of the results of daily fuel inspections.
 Date 11/16/2006 (480154)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report a recordable emissions event and failure to cite rules, permits, and regulations in the deviation report.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01915, Special Conditions #3A-D

Description: Failure to conduct quarterly visible observations for the period of 7/6/04 through 7/6/05.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 49004, General Condition 9
OP O-01915, Special Condition 1
OP O-01915, Special Condition 15

Description: Failure to maintain Tank Area Three Scrubber below 10 degrees Centigrade.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain the Tank Area Three Scrubber below 10 degrees Centigrade and failure to record data.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01915, Special Conditions #14 and #15
PERMIT Permit #18369, Special Condition #7

Description: Failure to maintain the methyl acetate below 42 ppm.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01915, Special Condition #15
PERMIT Permit 4884, Special Condition #8

Description: Failure to maintain the temperature in Tank 12902 below 90 degrees Fahrenheit.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01915, Special Condition #15
PERMIT Permit #18369, Special Condition #10
PERMIT Permit #4884, Special Condition #12

Description: Failure to monitor compressors and pumps for fugitive monitoring.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.116(a)(3)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 5C THC Chapter 382, SubChapter A 382.085(b)
OP O-01915, Special Conditions #14 and #15
PERMIT Permit #18369, Special Condition #9

Description: Failure to record hourly concentration of methyl acetate and methanol for Tank T13R4508.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.116(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01915, Special Condition 14

Description: Failure to record data for scrubber.

Date 01/25/2007 (457410)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 2958A SC#9A
OP OP O-01921 SC#1A

Description: The RE exceeded the permit limit for NOx emissions for Boiler No. 53.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT NSR Permit 2958A SC# 4
 Description: Failure to maintain combustion chamber temperature.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01921, SC1A
 Description: Failure to record 98% of the daily visible emissions observation for Farm Flare.
 Date 03/02/2007 (519596)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP NSR Permit No: 49004 MAERT Limits
 Description: MEK Tank exceeded the MAERT limit for Permit #: 49004, which sets the VOC emission limit to 74.78 lb/hr.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-01915 Special Condition 15
 PERMIT S.C. 6A of NSR Permit No: 49004
 Description: Exceeded the NSR permit limits of capacity and partial pressure for Tank 12683.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-01915 Special Condition 15
 PERMIT NSR Permit No: 49004 MAERT Limits
 Description: Exceeded the NSR permit throughput limit for Tank 12675.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.70(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-01915 Special Condition 15
 OP FOP O-01915 Special Condition 1A
 PERMIT S.C. 2 of NSR Permit No: 4884
 PERMIT S.C. 9 of NSR Permit No: 49004
 Description: Failure to file NESHAP F Report on time.
 Date 05/31/2007 (574847)
 Self Report? YES Classification Moderate

 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 08/07/2007 (566978)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.206(c)(17)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-01921 Special Condition 14
 PERMIT NSR 2958A Special Condition 9A
 Description: Failure to operate within the permit limit for NOx lb/MMBtu while burning 100% plant-mixed gaseous fuel.
 Date 08/24/2007 (543167)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-01913 SC#5
 PERMIT NSR 49023 SC 1
 Description: Failure to submit notification within 10 days for Tank 3201.
 Date 11/30/2007 (595704)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 5C THSC Chapter 382 382.085(b)
 PERMIT Special Condition # 6
 OP Special Condition #7
 Description: Failure to keep monthly monitoring records of the cooling tower water samples.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP Special Condition #11
 Description: Failure to record 585 or 3.39% of data points for flare pilot flame monitoring during 05/08/2005 through 07/09/2005.
 Date 01/10/2008 (595731)

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(ii)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 2468, SC 9
 OP O-01920, ST&C 15
 OP O-01920, ST&C 1A
 Description: Failure to conduct the annual IFR inspection on Tanks 9213
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 20135, SC 10D
 PERMIT 20135, SC2
 OP O-01920, ST&C 15
 Description: Failure to complete repairs to Tank 9211 within the required period after a failed visual inspection in November 2006.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 20135, SC 2
 OP O-01920, ST&C 15
 Description: Failure to submit a report to the TCEQ informing the agency that a defect was found on Tank 9211 within 30 days of finding it.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 48975, SC 10D
 OP O-01920, SC 13
 OP O-01920, ST&C 15
 Description: Failure to conduct the annual IFR inspection on Tanks 9004C
 Date: 03/20/2008 (614749)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
 5C THSC Chapter 382 382.085(b)

Description: Failure to report all exceedances of CO MAER limits under TCEQ Air Permit No. 2958A during boiler startups in 2007.
 Date: 05/02/2008 (543585)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms and Conditions (ST&C) #8
 Description: Failure to inspect the submerge fill pipes of Tanks 1575 and 1506.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)
 5C THSC Chapter 382 382.085(b)

Description: Failure to include in the Federal Operating Permit O-01917, 40 CFR Subparts VV and NNN for the #3 Main Column Vent and associated fugitives. (Category B19(g)(1))
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP General Terms and Conditions
Description: Failure to report all deviations in the semiannual reports and annual compliance certification report for inspections of the submerged fill pipes for Tanks 1575 and 1506 and exclusion of 40 CFR Subparts VV and NNN in the Federal Operating Permit O-01917. (Category B19(g)(1))

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE DOW CHEMICAL COMPANY
RN100219351**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2008-1248-AIR-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Dow Chemical Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a gas plant at 3301 5th Avenue South in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 22, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Seven Hundred Twenty-Five Dollars (\$6,725) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Three Hundred Eighty Dollars (\$5,380)

of the administrative penalty and One Thousand Three Hundred Forty-Five Dollars (\$1,345) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to keep the flare pilot flame lit at all times which resulted in unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), and New Source Review Permit No. 436, Special Conditions Nos. 1 and 3, as documented during an investigation conducted on April 10, 2008. Specifically, the Respondent did not keep the No. 3 Olefins Flare pilot flame lit which allowed unauthorized emissions during an emissions event on March 18, 2008. The event lasted one hour and 23 minutes and resulted in the release of 1,216.51 pounds ("lbs") of volatile organic compounds and 218.01 lbs of carbon monoxide. Since this emissions event could have been avoided by good operation practices, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Dow Chemical Company, Docket No. 2008-1248-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement improvements to training, design, operation, or maintenance procedures, in order to address the emissions event that occurred on March 18, 2008, and to prevent the reoccurrence of same or similar incidents;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdin

For the Executive Director

11/14/2008

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Yvonne Samson

Signature

9/30/08

Date

Yvonne Samson

Name (Printed or typed)
Authorized Representative of
The Dow Chemical Company

EH+S Delivery Leader

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

